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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

Case No. S90-00056

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONSOLIDATED RAIL CORPORATION  
a/k/a CONRAIL,

Defendant and  
Third Party Plaintiff,

PENN CENTRAL CORPORATION,  
et al.,

Third Party Defendants.

The deposition of JAMES C. LANCASTER

Date: Thursday, January 28, 1993

Time: 9:00 a.m.

Place: 205 West Jefferson  
Suite 312  
South Bend, Indiana

Called as a witness by the  
Plaintiff in accordance with the  
Federal Rules of Civil Procedure,  
pursuant to agreement entered into by  
counsel for the respective parties.

Before Dorothy L. Hoade, CSR  
Notary Public, State of Indiana

1  
2 MR. PETER H. RUVOLO  
3 U.S. Environmental  
4 and Natural Resources  
5 Division, Environmental  
6 Enforcement Section  
7 U. S. Department of Justice  
8 P.O. Box 7611  
9 Ben Franklin Station  
10 Washington, D.C. 20044

11 For the Plaintiff;

12 MR. JAMES A. ERMILIO  
13 Bingham, Dana & Gould  
14 Suite 1200  
15 1550 M. Street, N.W.  
16 Washington, D.C. 20005

17 For Consolidated Rail Corporation;

18 MR. PIERCE E. CUNNINGHAM  
19 Frost & Jacobs  
20 2500 Central Trust Center  
21 201 East Fifth Street  
22 Cincinnati, Ohio 45202

23 For Penn Central Corporation.

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25

I N D E X

THE DEPOSITION OF

JAMES C. LANCASTER

DIRECT EXAMINATION

By Mr. Ruvolo. . . . . Page 4

CROSS EXAMINATION

By Mr. Cunningham . . . . . Page 44

CROSS EXAMINATION

By Mr. Ermilio. . . . . Page 50

E X H I B I T S

Plaintiff's Exhibit No. 1

Map of Conrail Elkhart yard. . . . . Page 9

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JAMES C. LANCASTER

called as a witness by the Plaintiff being first  
duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. RUVOLO:

Q Would you please state your name, sir?

A James C. Lancaster.

Q And your address?

A (b) (6)

Q And your telephone number where you could be  
reached?

A (b) (6)

Q My name is Peter Ruvolo. I'm an attorney with the  
Justice Department and we represent the  
Environmental Protection Agency in this matter.

On my left is Mr. Cunningham, who is an  
attorney who represents Penn Central, and you are  
familiar with Mr. Ermilio. We're going to ask a  
few questions about a case that is going on -- a  
civil matter, not a criminal matter -- for the  
purpose of getting some background and some  
information from you, if you will.

If there is anything that I ask that you  
don't understand, just ask me and I'll rephrase it  
or something of that nature. If your counsel

1 objects, well, just answer the question anyway  
2 unless he directs you not to do it. Okay?

3 A Okay.

4 Q Are you familiar with this case at all? Have you  
5 read anything about it in the newspapers?

6 A Yeah, I've read some in the Elkhart Truth.

7 Q What is it about, in your own mind? What do you  
8 think it's about?

9 A The spills of contaminated wells around the  
10 Elkhart yard.

11 Q You say you live in Elkhart. Do you live near the  
12 yard at all?

13 A About five miles, four and a half to five miles.

14 Q Your water has not been affected by any EPA  
15 action?

16 A I haven't had any.

17 Q Have you discussed this case with your fellow  
18 employees?

19 A Yes, I have.

20 Q What nature?

21 A Just general discussion when it was in the paper,  
22 you know.

23 Q Have you discussed your appearance here with  
24 anybody other than Mr. Ermilio?

25 A One person, Mark Miller, the union president.

1 Q What did you discuss with Mr. Miller?

2 A When I got a call, I wanted to check with him and  
3 see --

4 Q What it's all about? Okay. That's fair enough.

5 You were asked to bring with you any  
6 documents or records that you might have had in  
7 your possession in regard to anything that  
8 occurred at the yard.

9 Did you bring any records with you?

10 A No.

11 Q Do you have any at home?

12 A No.

13 Q Tell us a little bit about yourself. What kind of  
14 educational background do you have?

15 A Well, I have a high school, graduated from high  
16 school, went to Southeastern Institute of  
17 Electronics for about six months.

18 Q I'm going to ask you to take your hand down so the  
19 stenographer can hear you. We both talk low, so  
20 she's going to have enough trouble.

21 A That's about the extent of my education.

22 Q When did you graduate high school?

23 A 1961.

24 Q Did you go to the electronics school right after?

25 A Right after that, yeah.

1 Q What did you study, basically? How long a course  
2 was that?

3 A It was a year. It was industrial electronics and  
4 I had a bad accident with -- I was working and  
5 going to school and I got burnt pretty bad, so I  
6 was laid up for a while and I never went back and  
7 finished my electronics.

8 Q For how long were you laid up?

9 A About four months.

10 Q When did you start working for the railroad?

11 A February the 20th of '71.

12 Q That would have been Penn Central at that time?

13 A Penn Central, yes.

14 Q Between the time you graduated high school and  
15 went to the electronics school and 1971, what did  
16 you do?

17 A I worked -- first I had, well, a service station,  
18 self-employed, then I worked for Continental Can.

19 Q Doing what?

20 A I worked in the lab, testing paper, and then I  
21 worked on a machine some before I went into the  
22 lab, and then I worked part time at a lumber, saw  
23 mill sawing lumber for trailers, then I worked  
24 there about a year full time sawing lumber,  
25 setting saws up and sawing lumber.

1 Q When you operated the gas station or at any of the  
2 other positions you just told us about, did you  
3 have occasion to deal with what we know today as  
4 hazardous materials, other than gasoline?

5 A Gasoline, the normal stuff that you -- I'm not  
6 real familiar with what is hazardous and what is  
7 not.

8 Q Did you also repair cars, automobiles?

9 A Um-hmm, I repaired them.

10 Q You dealt with things like brake fluid and  
11 de-icers and anti-freeze?

12 A Um-hmm, all that.

13 Q When you started with Penn Central in '71, what  
14 was your position at that time?

15 A Car man.

16 Q What is the role or function of a car man?

17 A A car man covers repairing cars, inspecting cars,  
18 welding, and just general repair to the box cars  
19 and then inspecting them.

20 Q Did you have any other positions, say between 1971  
21 and 1977, when you were still working for Penn  
22 Central?

23 A I was a car man.

24 Q That was for the whole period?

25 A Um-hmm.



1 Q Then you started working for Conrail, I take it?

2 A Right.

3 Q What has your function been at Conrail?

4 A It's the same.

5 Q Same function?

6 A Same function. Most of my time has been car  
7 inspector in the yards.

8 Q Were you ever a conductor?

9 A No.

10 Q Did you ever work on the trains themselves; in the  
11 transportation of the trains, not the repair?

12 A No, I was never in the transportation department.

13 (Plaintiff's Exhibit No. 1 marked  
14 for identification.)

15 BY MR. RUVOLO:

16 Q Before I get into this, did you take any training  
17 courses while you were at working for either Penn  
18 Central or Conrail?

19 A Yeah, we had, yeah.

20 Q Did you take any courses in dealing with, say,  
21 hazardous materials?

22 A Not to a great extent. We had went over hazardous  
23 materials, but not in any depth.

24 Q Were you given information, either in a booklet  
25 form or printed instructions, on how to deal with

1 hazardous materials? Let's concentrate on the  
2 Penn Central period at this point, while you  
3 worked with Penn Central?

4 A I don't remember.

5 Q What about with Conrail?

6 A Yeah. We got a booklet that, to be honest with  
7 you, I didn't study it, but we had a book that had  
8 hazardous materials and had your placard  
9 identification and so forth.

10 Q Do they give you or do you have a booklet? Do you  
11 use a booklet or manual when you go to inspect  
12 cars so that you would know what to look for?

13 A No, not in the hazardous --

14 Q In any way. Is there a check list that you get as  
15 you go through?

16 A Sure.

17 Q Do you check off every car or do you just note the  
18 ones that have a problem, that need some repair or  
19 something?

20 A No. We just note the ones that's got a problem and  
21 report that. It's either sent to the rip track as  
22 a bad oiler or if it can be repaired in the yard,  
23 we turn it in and it gets repaired in the yard by  
24 a high railer.

25 Q You mentioned placards. What does a placard tell

1           you when you pass by and see a placard on a train,  
2           say a tank car that would contain hazardous  
3           materials? What does the placard tell you?

4       A    To me, it don't tell me a whole lot. It's  
5           numbered, you know, and if it's hazard, it would  
6           be hazard, but it won't tell you what.

7       Q    What's in the tank?

8       A    (Witness nods.)

9       Q    Are the placards different colors?

10      A    Yeah.

11      Q    How about the tank car itself? Does it have any  
12           description of what may be inside on it, anything  
13           stenciled?

14      A    Yeah. There's some cars that's stenciled. When  
15           they're hazardous it will have, some of them will  
16           be stamped on the side what it is, which don't  
17           help me a whole lot because, like I say, I don't  
18           know my chemicals.

19      Q    Are you looking for anything other than what needs  
20           to be repaired, if anything, on a car as you're  
21           inspecting it? Are you looking for leaks or  
22           cracks?

23      A    Yeah, we will look for leaks.

24      Q    Is that part of your function --

25      A    That is part of my function.

1 Q -- or something that you notice as you go along?

2 A That's part of my function, to make sure if it's  
3 leaking.

4 Q If a placard or a side of a tank car is marked  
5 just with the words "Flammable NOS," would that  
6 tell what you is in that tank car?

7 A No.

8 Q We've been told that NOS stands for not otherwise  
9 specified.

10 A Well, like I say, I didn't study my book on the  
11 hazard, because it covers so big, you know, so  
12 much stuff to cover.

13 Q So what I think we both agree on, unless it's  
14 specifically marked as to what is in the tank car,  
15 you wouldn't know whether it's milk or gasoline?

16 A No.

17 Q I ask you to --

18 MR. ERMILIO: When you say you  
19 wouldn't know, you mean Mr. Lancaster,  
20 specifically?

21 MR. RUVOLO: Mr. Lancaster,  
22 specifically, yes.

23 BY MR. RUVOLO:

24 Q I show you Exhibit No. 1 for identification and  
25 ask if you can identify that or tell us a little

1 bit about what it is. Put your glasses on or you  
2 can borrow mine.

3 A Okay.

4 Q Would it be fair to say that this is a reduced map  
5 showing the Elkhart yard, in general?

6 A Yeah.

7 Q If you notice on the bottom of the map in the  
8 right-hand corner, there is an index which  
9 identifies various buildings and what is in the  
10 buildings, just about where your hand is.

11 A Um-hmm.

12 Q Generally speaking, from the time that you started  
13 with Penn Central to today, have there been many  
14 changes in the yard that have taken place in the  
15 way of new buildings, new tracks?

16 A Yeah. Since I've been there, they've added a  
17 track in the westbound, they've added a couple of  
18 towers that operate, operates switches going into  
19 the westbound and the eastbound.

20 Q When you say west -- I'm sorry, go ahead.

21 A They've added a fueling station. That's about all  
22 I can remember as far as building.

23 Q Look at the map. In the center, it says group,  
24 small print. It says Group 1, Group 2, Group 2,  
25 Group 4, Group 5, and so on. Those are groups of

1 tracks, correct?

2 A Right.

3 Q The last one that is easily discernable is Group 8  
4 down at the bottom of the section. See that?

5 A Group 8?

6 Q Yeah. That would be Track 64 through 72?

7 A Yeah, okay.

8 Q When you say they added new tracks, would it be  
9 below that?

10 A Yeah. It would be over next to, yeah. What they  
11 did, they used to have -- I'll take that back.  
12 They added two tracks, two tracks.

13 Q Two sets, like 9 and 10?

14 A No, no. In the westbound yard, they had five.  
15 I'm pretty sure I'm right. They had five tracks  
16 there to build outbound trains on. Now they have  
17 seven tracks that they build.

18 Q That's the area you're talking about, that's the  
19 outbound westbound?

20 A Westbound outbound area, right.

21 Q Where would the eastbound be? Would that be above  
22 the first group on the northern end of the yard?

23 A That would be on the north side of the yard.

24 Q That would be where the eastbound is. When you  
25 say they built a fueling facility, that is also on

1 the north side?

2 A That's on the north side.

3 Q Basically, other than what you just told us, most  
4 of the other buildings or facilities were in  
5 existence since the time you started working at  
6 the yard, the hump tower, dormitory car shop?

7 A Yeah.

8 Q Now, you spent many years doing car inspections.  
9 Where would you conduct these inspections?

10 A Eastbound yard and the westbound yard and the  
11 receiving yard.

12 Q I'm going to hand you this pen and I'm going to  
13 ask you to mark on the map with the number one in  
14 a circle where the receiving yard would be. If  
15 there is more than one, where they would be.

16 A Mark receiving yard?

17 Q Just put a circle and the number one.

18 A (Witness complies.)

19 Q Is there any other receiving yard?

20 A No.

21 Q If a train is coming in going eastbound, how would  
22 it get into the receiving yard in the first place?

23 A It's going east?

24 Q Yes.

25 A It would come -- there's a runner on the south

1 side of the westbound yard that it comes off the  
2 main line, comes in and then goes into the  
3 receiving yard.

4 Q At that point, an inspection is made?

5 A At the point that it gets to the receiving yard.

6 Q To the receiving yard?

7 A That is the first inspection.

8 Q On the average, how many cars would be in that  
9 train on any given time?

10 A It would vary from fifty to a hundred fifty.

11 Q They would be all different types of cars?

12 A All different types.

13 Q So you would have freight cars, you would have  
14 open cars, you would have tank cars, et cetera.

15 Would there usually be one or two men that would  
16 inspect the car now that it is in the receiving  
17 yard?

18 A The inbound cars, there is normally three to four  
19 guys that would inspect it.

20 Q The inspection, as I understand it, would consist  
21 of walking along the side of the train?

22 A Right.

23 Q Your major objective -- stop me if I'm wrong -- is  
24 to see if there is anything wrong with any of the  
25 cars that makes them unfit to continue on?



1 A That's right.

2 Q Such as the wheels aren't right?

3 A Um-hmm.

4 Q Now, there are standards that you go by, I take  
5 it?

6 A Right.

7 Q FRA standards?

8 A Right.

9 Q What kind of training did you have in regard to  
10 the FRA standards?

11 A Of course, when I first started, most of it was  
12 on-the-job training.

13 Q We're talking when you first started, that was in  
14 the seventies?

15 A In '71. Then they started giving classes. You  
16 would attend classes and study. I can't remember  
17 what year, but later on, after two years, they  
18 started giving us more training. Then every year  
19 or two, we would go take a couple of nights, three  
20 nights after work, and we'd have some training.  
21 Then we'd have some tests.

22 Q Would you also at that time do anything as far as  
23 the brakes or couplings are concerned?

24 A Yeah. We would make small repairs on the brakes,  
25 like change the brake shoes or something if they

1 needed new brake shoes.

2 Q Would that be done on the spot, right there?

3 A Um-hmm, if you can repair it there, then you  
4 would.

5 Q What would you do, call the car shop and ask them  
6 to send somebody over, we need new brake shoes?

7 A No, we do it ourselves.

8 Q Where would you get the new brake shoes?

9 A They're laying there in the yard.

10 Q In the receiving yard?

11 A Yeah, up next to the track.

12 Q They keep a supply?

13 A Yeah, they keep a supply.

14 Q Do you also bleed the brakes at that point?

15 A You bleed the train off.

16 Q In the event that you were making an inspection  
17 and you came across a car that was marked  
18 hazardous materials tank car, for example, and you  
19 noticed a leak or a spillage or venting of some  
20 sort, what would be your procedure?

21 A First thing, I'd report, I'd give the number of  
22 the car to my foreman, and he runs it through the  
23 computer or whatever to see what it's loaded  
24 with. Most thing I do, we have a CRB-8. We note  
25 hazardous cars on our CRB-8. I don't do anything

1 to the car, I go on about my job.

2 Q You report it?

3 A And I report it. We report any tank car that is  
4 leaking, whether it's hazardous or not. If it's  
5 leaking, any car, we'll report it.

6 Q On the average, is this an unusual occurrence, to  
7 see one leaking or venting?

8 A It doesn't happen that often, most of the time.

9 Q In your experience, have you dealt with situations  
10 where there were leaking cars?

11 A Yes, I have.

12 Q At various times through the years?

13 A Yeah. There's no certain -- one a summer or --  
14 you know.

15 Q If it's venting or leaking, would that car be  
16 disconnected from the remaining portion of the  
17 train until it was repaired, at this point in the  
18 receiving yard?

19 A I have seen it, according to what it is, but I  
20 have seen them take the car out.

21 Q If they took the car out, where would they put it,  
22 as far as the map is concerned? Show us first,  
23 where would they put it?

24 A Okay. If they took it out, if it was leaking bad  
25 and they took it out, then there's -- I have seen

1       them set it over. There is a junkyard lead --  
2       let's see. Probably here, right in that area, I  
3       have seen them set there. I saw them take it to  
4       the repair shop. If they -- you know, usually if  
5       they can't get it stopped.

6       Q   Okay. Would you just put a number 2 and a circle  
7       where you have seen them place the car?

8       A   (Witness complies.)

9       Q   Now, if they couldn't repair it there and it had  
10      to go to the car shop, how would it go to the car  
11      shop or how would they get it over to the car  
12      shop?

13      A   I've never seen them do it, but I'm assuming they  
14      just take a crew with an engine and they would  
15      have to go down this engine track runner or one of  
16      these tracks and go through --

17      Q   Indicating the tracks along the northern portion  
18      of the property?

19      A   That's an assumption to me. I have never seen  
20      them do that. I know how they have to get over  
21      there, so I'm just assuming.

22      Q   Have you ever seen them take it through the  
23      humping process and over the hump and then down  
24      into one of the other track areas near the car  
25      shop?

1 A The car, if it was a tank -- no, I never have saw  
2 it.

3 Q Now, the cars on the train have to be separated to  
4 continue on in the direction, right? They're  
5 going to take these cars, separate and put them as  
6 part of another train heading east, correct?

7 A Um-hmm.

8 Q How would they get the cars from the receiving  
9 yard to the humping station? I presume the next  
10 stop would be the hump tower?

11 A Yeah.

12 Q How would they actually move the cars?

13 A They take a switching, a hump engine, tie it onto  
14 the east end of the track and then push it over to  
15 the hump here, and then they have a switchman up  
16 here that sets each car and then it goes over into  
17 the class yard here.

18 Q There is a switchman at the hump tower, as well as  
19 an operator, and each car is designated for a  
20 particular track at the other side of the hump?

21 A Yeah.

22 Q That is for the purpose of creating another train  
23 which would continue eastbound?

24 A East or west.

25 Q To various locations?

1 A Right.

2 Q Am I correct in assuming that the new train that  
3 is now going to be created would again have  
4 somewhere between fifty and a hundred fifty cars  
5 on it?

6 A Right.

7 Q And again, they would be all various types of  
8 cars?

9 A Various types, yeah.

10 Q Could you give us an idea of how long it would  
11 take to put together, let's take the average, a  
12 hundred-car train?

13 A Well, it's according to how coordinated they are,  
14 but it takes approximately thirty minutes to hump  
15 this train over this hump here, thirty to  
16 forty-five minutes, I'd say. Then after it gets  
17 in the class yard here, then the west end, from  
18 the west end tower here, there's a crew that comes  
19 up, connects this section and then pulls it out,  
20 puts it on a track here.

21 So usually they run like normal trains, they  
22 have to get like three to four cuts or where a  
23 track is full here, so that usually takes  
24 probably, oh, I would say an hour and a half to  
25 two hours to do that. That's assuming everything

1 is there.

2 Q When it should be?

3 A When it should be and everything.

4 Q Now you start off with, we'll say a hundred yards  
5 cars in the receiving yard. They go over the  
6 hump, down the other side, into the various  
7 classification tracks?

8 A Um-hmm.

9 Q Let's assume they go into five different tracks.  
10 Now you're left with twenty cars. Do you now wait  
11 -- twenty cars in each track, we'll say.

12 A Okay.

13 Q Do you now wait for another load of eastbound  
14 trains coming in to the receiving yard in order to  
15 complete the entire train? Do you understand?

16 A Yeah, I understand. Yeah, it could be. In other  
17 words, they could pull this track and it could set  
18 there, over here for two hours because they don't  
19 have the cars.

20 Q The rest of the cars?

21 A Coming in on another different train, yeah.

22 Q That's what I meant.

23 A Yeah.

24 Q You say two hours. Could they sit there two days?

25 A Somebody is in trouble if they do, but I have saw

1       them sit there for quite a while, you know, if the  
2       train coming in is delayed for some reason.  
3       Usually, they will go ahead and -- that's handled  
4       by someone higher than me, but if it's going to be  
5       a long delay, they would probably leave those cars  
6       and build it on another train.

7       Q   So then the new train that came in would go  
8       through the same process, in the receiving yard,  
9       be inspected --

10      A   Right.

11      Q   -- go through the humping process and hook up with  
12      the cars from the previous load to create a train?

13      A   Right.

14      Q   While these cars are sitting in this  
15      classification area, are they inspected at all?

16      A   In the classification? No, no.

17      Q   If a car or two cars going over the humping  
18      process were to collide at the bottom without a  
19      derailment, would any -- whose responsibility  
20      would it be to notice that or to check to see  
21      whether there was any damage?

22      A   Well, I don't know whose responsibility it would  
23      be, but usually -- it has happened. A switchman  
24      is on the ground here coupling these cars up. So  
25      normally, I could say I don't know if it's his



responsibility or not because I don't work in that department, but he would notify the west end yard master about it, and I think that would be the normal. And then the west end would get ahold of the rip track foreman or someone that they have a car up there and then they would go check it out.

Q We have a report of an instance where a tank car going down into the humping process was in the track and another car came down, and for one reason or another the retarders didn't slow it up enough and it collided and the coupling system was off and a hole was punctured in the tank car. There was no derailment, just a good-sized hole was punched in.

A That's possible.

MR. CUNNINGHAM: I'm going to object to the form of that question. That wasn't intentional, but it really wasn't a report. It's really more of a hypothetical.

MR. RUVOLO: I wasn't referring to the '76 incident. There are some reports in the hazardous materials reports, the 1966 version.

MR. CUNNINGHAM: I withdraw my

1 objection. I thought you were referring  
2 to the 1976 "Bruden" incident.

3 MR. RUVOLO: No, I was not,  
4 specifically.

5 MR. CUNNINGHAM: I'm going to  
6 withdraw my objection.

7 MR. RUVOLO: It was in the  
8 Mitchell report.

9 MR. CUNNINGHAM: Sorry.

10 MR. RUVOLO: No problem.

11 BY MR. RUVOLO:

12 Q Now, in such an instance, would that car, would  
13 the damaged tank car remain in that classification  
14 yard until the dispatcher or somebody came along  
15 to check the coupling on it?

16 MR. ERMILIO: If you're talking  
17 about a specific incident, could you  
18 identify it?

19 MR. RUVOLO: Talking in general.

20 MR. ERMILIO: Are all these  
21 situations hypothetically?

22 MR. RUVOLO: Yes.

23 THE WITNESS: You mean, it's a  
24 hole punched in the car?

25 MR. RUVOLO: Right.

1 THE WITNESS: Okay. Then a  
2 general foreman or someone out of the  
3 car shop would go inspect that car and,  
4 more than likely, if it's damaged like  
5 that, it would probably have to either  
6 be chained out to get over to the rip  
7 track.

8 BY MR. RUVOLO:

9 Q Where is the rip track?

10 A That's the west tower. I guess that little --

11 Q It's over in the west tower area?

12 A Yes.

13 Q Just put a number 3.

14 A I think we're right here.

15 Q A 3 with a circle.

16 A (Witness complies.) I guess.

17 Q If the damaged car was in the classification, one  
18 of these track areas, doesn't matter, how would it  
19 get from say track area, Group 7 over to the rip  
20 yard?

21 A Okay. I did that before, chained them out, and we  
22 would come down out of the class yard -- there  
23 used to be -- well, you know, you're asking --  
24 there used to be a cab track -- let's see what  
25 lead that was -- five lead, I think. I'm not

1 positive, but we would bring it off of this lead,  
2 bring it down there to the local yard, down into  
3 the local yard and then shove it back into the rip  
4 track here.

5 Q If it required a major repair -- we're not talking  
6 about wheels or plugs, we're talking it needs  
7 major repair, it needs a welding job or something  
8 -- who would do that repair?

9 A According to if it was a system car or it was a  
10 foreign car and how much it would cost to repair  
11 that car. If it was a foreign car, more than  
12 likely, we would put all the, make sure it had all  
13 the safety, because it can't travel on the road  
14 unless it has all the safety appliances working.  
15 And then it would probably be shipped to the  
16 foreign line.

17 Q When you say foreign line, you don't mean --

18 A I mean other than Conrail.

19 Q Other than Conrail or Penn Central?

20 A Yeah.

21 Q If it was one of your own?

22 A If it was one of our own and we did the work  
23 there, we would do it. Now, if it was a tank car,  
24 I don't know -- tank car we don't, as far as I  
25 know, we don't repair.

MR. ERMILIO: Excuse me.

(Discussion off the record.)

BY MR. RUVOLO:

Q Now we have the car into the car shop and you have worked in the car shop?

A Yeah.

Q You have made repairs to trains?

A Yeah.

Q You say you have some welding experience?

A Yeah.

Q When you weld, what kind of a product or material do you use?

A It's been a while since I did that, too. You mean --

Q Well, back in the seventies, what did you use for the welding process, other than a blow torch?

A Just electric welder and the rods. Now they've got -- but I don't think they use it -- they have mig welders now.

Q What are mig welders, for my own information?

A Well, they're a welder that is automatic fed with wire and it's -- like I say, I haven't used it that much. Well, I haven't even used the mig welder, so I can't even comment that much on the mig welder. They do have them. I don't think

1       they use them because they're hard -- that shop is  
2       open and it's hard to use a mig welder in an open  
3       shop because of the wind blowing.

4       Q   Have there been instances that you're aware of  
5       where maybe a minor fire would start because of  
6       the welding process, catching a product like wood  
7       or something of that nature?

8       A   Major -- I never remember having any.

9       Q   I am talking about during the repair of a car.

10      A   During a repair, I never had anything.   They have  
11      been -- me, personally?

12      Q   Yes, you personally.

13      A   I never had.

14      Q   Are you aware of instances where that has  
15      occurred?

16      A   Where we've been cutting and welding, I've seen a  
17      box car maybe catch some wood or something on  
18      fire, you know, where it's close to where you're  
19      welding or cutting.

20      Q   In that event, how would the fire be put out?

21      A   Most of the time, we recognize it quick and just  
22      pour water or a fire extinguisher.

23      Q   There's a fire extinguisher available?

24      A   Fire extinguishers are available at all stations.

25      Q   Is that all through the whole period that you

1           worked there?

2       A    Yeah.

3       Q    We have had testimony that other products, such as  
4           oil, was used in the car shop.

5       A    Yeah.

6       Q    Grease?

7       A    Used to be quite a bit because we had journal  
8           boxes and they had to be oiled when we changed  
9           journals, the brass in the journal boxes, we put  
10          oil pads in the boxes.

11      Q    When did the journal boxes begin to go out of  
12          existence?

13      A    I'd say probably '80.

14      Q    Are there still some trains and cars that have  
15          journal boxes?

16      A    Very few, very few.

17      Q    Did you do any electrical repairs in the car shop?

18      A    No.

19      Q    How about any cleaning work?

20      A    Just normal cleaning the area, and then we would  
21          clean down the rip track every so often.

22      Q    Did you do any repairs to, say, refrigerator cars?

23      A    I don't remember ever working on a refrigerator  
24          car.

25      Q    I understand that the oil came in in 55-gallon

1 drums. Is that fair?

2 A Yeah.

3 Q And the supply would be kept in the car shop, as  
4 well as more of a supply would be kept in the  
5 storage area?

6 A Um-hmm.

7 Q The process would be for the workmen to go to the  
8 55-gallon drum, fill up an oil can for their own  
9 oil can, a smaller can for use?

10 A Smaller can.

11 Q Now, the cleaning of the rip area. When you talk  
12 about the rip area, that's a concrete base?

13 A Concrete.

14 Q Are there grooves in the concrete or is it smooth?

15 A It's not smooth, chuck holes and things there.

16 Q I take it that anything that dripped or leaked  
17 from the cars such as grease or oil or something  
18 would get on, during the repair process would get  
19 onto this concrete?

20 A Right.

21 Q Your purpose was to clean that off every once in a  
22 while, as needed?

23 A As needed.

24 Q How would that be done?

25 A Well, best I can remember when I was there, if



1 some dropped down when I was working, I'd take a  
2 rag and clean it off and we had a rag bin and I'd  
3 throw it in.

4 Q Was it ever washed down with hoses?

5 A Yeah.

6 Q Was there a cleaning solution of some sort used to  
7 degrease it?

8 A To degrease it? Yeah.

9 Q Do you recall what the product was?

10 A No, I don't.

11 Q Did that in come in a box, a can, a barrel?

12 A The best I remember is a 55-gallon barrel.

13 Q How would that be applied to the concrete pad?

14 A I think -- I never got into the cleaning. I was  
15 lucky. It would either be done on my days off or  
16 -- but I really don't even remember that much  
17 about it, to give you an honest answer, I don't  
18 remember that much about it. It's been like  
19 twenty years ago.

20 Q That process isn't used today?

21 A I don't know.

22 Q Just so we clear this up a little bit, in the last  
23 say five years, what has your major function been,  
24 inspection?

25 A Inspection.

1 Q Not so much on the repair end of it, but on the  
2 inspection end?

3 A No. I work just a little bit over to repair in the  
4 mill room and I go out on the repair track, but we  
5 never cleaned.

6 Q Were you working on inspections and/or repairs  
7 when the cabooses were still in operation?

8 A Right, yeah.

9 Q Now, we heard testimony yesterday that there were  
10 two areas where the cabooses were inspected.

11 A Yeah.

12 Q Would you mark on the map where those areas were,  
13 using numbers 4 and 5, I guess or 6, whatever.

14 A Comprises -- well, I'm assuming that this is the  
15 rip track and this right here would be the  
16 westbound cab track.

17 Q That's number 4?

18 A I mean eastbound cab track -- I'm sorry --  
19 eastbound cab track.

20 Q That's number 4?

21 A Right in this area here, it would be what, 5?

22 Q 5.

23 A Right in this area here, that would be the  
24 westbound cab track.

25 Q On the average, how many cabooses would be

1 inspected at the same time or during the course of  
2 a day?

3 A I would say probably ten at each, when they were  
4 in service, probably ten and ten. That's -- oh,  
5 in a day? I'm sorry. That's a shift, probably.

6 Q And there are three shifts in a day?

7 A Yeah. Somewhere between five and ten, probably.

8 Q Ever ride the caboose?

9 A Yes.

10 Q What was in the car? What was the function of the  
11 caboose? I know they use it for restaurants these  
12 days and bars, but what did they use it for at  
13 that time?

14 A At that time?

15 Q Yes.

16 A You had your conductor and brakeman, switchman.  
17 They would ride there and they would keep their  
18 eye -- they could watch from the rear the train as  
19 it went down the track looking for hot boxes or  
20 anything. It provided a place for the crew, was  
21 the main function of it, for them to inspect the  
22 train going along the track.

23 Q They would look at the train from the rear --

24 A From the rear.

25 Q -- so to speak, and if anything was unusual they

1 would notify the engineer, who would be up in the  
2 front?

3 A Right. Sometimes, if you had a 150-car train and  
4 something happened to a car farther back to this  
5 end, then they would go up and see what was wrong  
6 with it, if they could repair it or whatever in  
7 order to get it on. If it is closer to the head  
8 end, then the guy from the engine would come back.

9 Q What kind of equipment or facilities were inside  
10 the caboose?

11 A Well, you had, the normal stuff that a person  
12 would need for hygiene and toilet facilities, fire  
13 extinguisher, had a few tools to change an air  
14 hose, could change an air hose with, they had a  
15 knuckle and pins in case they broke a knuckle on  
16 the road or something. They could replace a  
17 knuckle.

18 Q When you say a knuckle, you mean where the  
19 couplings --

20 A Where it couples together there.

21 Q I take it there would be things like flares and  
22 something like that?

23 A Flares, fuses.

24 Q Any other safety devices?

25 A Backup whistles, in case they had to back up and

1 connect it to the rear of the train if they had to  
2 go across, they could whistle. That's about all I  
3 can think of.

4 Q Were there cots?

5 A Yeah, there were bunks there, tables.

6 Q Refrigerator for cold beer or something, soda?

7 A Yeah, ice box, soda pop.

8 Q How many people could be accommodated in a  
9 caboose, say on a trip from Chicago to New York or  
10 someplace?

11 A I'd say three, probably.

12 MR. ERMILIO: If I could interrupt  
13 for a minute. Could we take probably  
14 no more than a one-minute break?

15 (Recess taken.)

16 (Record read.)

17 BY MR. RUVOLO:

18 Q Now, the caboose gets into the cab area, the areas  
19 that you marked. What kind of inspection is done  
20 on that?

21 A First all, you check the wheels, the outside, and  
22 make sure the brake rigging and all that is good.  
23 Then you go inside, clean it, check for windows  
24 cracked or anything like that, and make sure it's  
25 got all the supplies.

1 Q Do you re-supply the windows or do you just clean  
2 so they could see?

3 A Yes.

4 Q And the interior, I take it, would be cleaned up,  
5 the interior?

6 A Right, and then refueled and then water.

7 Q Would there be an inspection, sort of a safety  
8 check, to see whether the flares were all there?

9 A Yes. All that would come under supply.

10 Q The fire extinguishers were working?

11 A Check all that.

12 Q And then there would be a general cleanup?

13 A Right.

14 Q Getting back to where we now have a train ready,  
15 being put together down in the classification  
16 yard, the train gets put together and it's heading  
17 eastbound. Where does it go? Say a train has  
18 been lined up in track area, Group No. 7?

19 A Okay. It comes out.

20 Q We're down here. It's going eastbound.

21 A Well --

22 Q It wouldn't be in Group 7?

23 A Yeah.

24 Q It would be in Group 3 or 2?

25 A Okay. Group 3, it would be pulled out back to

1       these leads, pushed back into -- well, you got  
2       seven tracks here, so it would be put on one of  
3       these tracks and the engine would break loose  
4       here. You bring out one cut, okay, and then  
5       another engine would go in, make another cut, come  
6       back, he'd tie onto this and they'd shove it till  
7       they got all the cars on.

8       Q   So the area -- there's a little directional star  
9       down here on the map on the right-hand side, so  
10      when you say it's pushed out of track --

11     A   Pulled out.

12     Q   -- pulled out of track 2 or 3, it's heading north?

13     A   It's heading -- would be going --

14     Q   Northwesterly?

15     A   Yeah, west.

16     Q   Northwesterly direction to the tracks that appear  
17      at the top of the map south of Franklin Street?

18     A   Right.

19     Q   They're lined up in that area until the train is  
20      complete and ready to go.

21     A   Right.

22     Q   Now, is there another inspection made at that  
23      time?

24     A   Once he gets all his shoves done and he'll set,  
25      they'll set the track, and then this west end yard

1 master here will turn the train over to us and  
2 he's finished with it. Then we do what they call  
3 an initial terminal test. That's another  
4 inspection.

5 Q For the same purpose as before, to check the  
6 wheels, the air brakes?

7 A No. Well, usually the wheels are checked here, but  
8 if they spot one that they think, say someone just  
9 overlooked or something, then they would check the  
10 wheel, but they're mostly looking for hump damage,  
11 something that went over the hump here, and then  
12 they do what is called an initial terminal test,  
13 which they check and make sure all the brakes are  
14 operating properly and the proper leakage test is  
15 made, proper leakage.

16 Q In the event -- going back to that hypothetical we  
17 used about the leaking tank car -- in the event it  
18 was not discovered while it was in the  
19 classification yard, it's now pushed up into this  
20 area, ready to go, and it is now discovered that  
21 the car is leaking.

22 A Um-hmm.

23 Q What happens to that car?

24 A Okay. Well, it's -- the inspector normally would  
25 report it to our foreman or high railer -- which



1 job I used to do -- and they would check. If it's  
2 just a minor leak and nothing that's hazardous,  
3 then they would try to stop it from leaking. If  
4 it couldn't be stopped, it would have to be sent  
5 out to the repair track. Any job that takes over,  
6 like the high railer, any job that takes any time  
7 because they don't want to delay the train, so if  
8 it takes awhile for the high railer to do it, then  
9 they'll send it to the repair track.

10 Q You say high railer; is that a train operation?

11 A No. It's a repair truck that's got a welder,  
12 torches, hand tools, that can get on the rail and  
13 go up the side -- if it needs to go up the side of  
14 the car that's on the inside tracks here, then  
15 they can run either on the road or on the rail,  
16 and they call it a high railer.

17 Q Suppose it was a tank car containing hazardous  
18 materials, what would they do then?

19 A What would an inspector do? He would report it to  
20 a foreman and then he would go on about his work  
21 and then --

22 Q Would the car be taken off the train?

23 A Yes.

24 Q Where would it be placed?

25 A Well, I couldn't tell you that, you know, really,

1 because like I say, our job mostly is just to  
2 report and then transportation takes it, sets it  
3 out, and then a general car foreman or someone  
4 else will tell them where to place that car.

5 Q Are there areas for the placement of cars, such as  
6 that damaged car, that can't continue for both the  
7 eastbound trains and the westbound trains?

8 A They use the same.

9 Q They would use the same?

10 A Same. There is no special area that I know of.

11 In other words, these are the tracks, I think,  
12 that's coming into the rip track here. That's  
13 where most of the cars are set that can be  
14 repaired. Now, I have seen them set them out at  
15 the top of the yard or the east end of the yard or  
16 west end and then pick them up later, you know,  
17 but not hazardous cars, just bad oiler cars.

18 Q You said both the east end or the west end. They  
19 might pull it off over here --

20 A See, if they tie on, say the crew that is not  
21 setting the train, say it's a bad oiler, but the  
22 crew that is going out on that train, actual  
23 train, has to set it out. And what he'll do is  
24 he'll pull out here and set it to one of these  
25 vacant, you know, one track up here. He don't

1 take it over to rip because he's a road -- it  
2 would be a yard engine and he can't get to it from  
3 here.

4 Q Just put that area where the number 6 is, put a  
5 circle around it for me.

6 A Put the number 6?

7 Q I think that's the next number.

8 A (Witness complies.) I think that's the top, a  
9 yard there, one of those tracks there.

10 Q If it was westbound, where would it be?

11 A I'm not sure about this. So if it was here, I  
12 would assume it would set where the old cab tracks  
13 used to be.

14 Q Put a 7 there.

15 A Put a 7 there, and they have set them out here.  
16 You want that a 7?

17 Q Make that an 8.

18 A 8, okay.

19 Q Why don't you put an 8 here and then put an arrow  
20 there?

21 A (Witness complies.)

22 MR. RUVOLO: Thank you, Mr.

23 Lancaster. I have no further  
24 questions.

25 MR. CUNNINGHAM: I'm going to

1 have just a few questions. I have  
2 already been identified as the attorney  
3 for Penn Central, Mr. Cunningham.

4 CROSS EXAMINATION

5 BY MR. CUNNINGHAM:

6 Q Have you always been at Elkhart?

7 A Yeah.

8 Q You have the responsibility, throughout the time  
9 you have worked at Elkhart for both Penn Central  
10 and Conrail, as I understand your testimony, for  
11 inspection of cars and not repairing of cars or  
12 cleaning of the car shop. Am I correct in that?

13 A No. Most of my time.

14 Q Most of it?

15 A Most of my time has been inspection. I have  
16 worked some in the repair track and I have worked  
17 at the repair work on the high railer, but most of  
18 my time has been inspection.

19 Q As far as the cleaning of the concrete pads, let's  
20 talk about that. You never did any of that?

21 A I don't remember -- I can remember doing it, but I  
22 can't remember the procedure.

23 Q So you have no knowledge of that whatsoever; is  
24 that right?

25 A The knowledge I have is just what, I will say, you

1 know, I remember we used to -- the solvent that  
2 was put on was out of 55-gallon drum. I don't  
3 know what it was.

4 Q You don't know whether it was soap or just what it  
5 was?

6 A I have no idea.

7 Q Is that right?

8 A Yeah. I don't know.

9 Q Could have been soap?

10 A I don't think it was soap.

11 Q You just don't know?

12 A I don't know, to be frank with you. I don't know.

13 Q You do know that there were fire extinguishers  
14 used. I think you testified to that. They were  
15 used and are still being used?

16 A Yes.

17 Q So that this was both under your employment with  
18 Conrail, which began in 1976, and under Penn  
19 Central, too?

20 A Both, yeah.

21 Q Also journal boxes, you testified a little about  
22 that. You said that they were in existence at the  
23 Elkhart yard until about 1980; is that right?

24 A Yeah. I'm guessing at the time.

25 Q Might have been later?

1 A You still have a journal box go through every once  
2 in a while, but it's rare.

3 Q Could have been '85?

4 A They started phasing them out, and I couldn't tell  
5 you what year. I think by now they're supposed to  
6 all be phased out, but they're not, there's still  
7 a few.

8 Q But you're not certain, all you know is at least  
9 your best recollection is 1980?

10 A In the eighties.

11 Q So they would have been around for at least four  
12 years after Conrail took over the property, right?

13 A I would say.

14 Q I think you have also said in a way that major  
15 repairs to cars weren't done at Elkhart; is that  
16 right?

17 A Certain types of repairs, major repairs were done  
18 at Elkhart.

19 Q Let's talk about one.

20 A Tank cars.

21 Q Tank cars?

22 A Tank cars. We don't do any major repairs.

23 Q Has that always been true, as long as you have  
24 been there?

25 A As long as I've been there, I don't remember.

1 Q If it's a foreign car, that is a car that is not  
2 owned by Conrail, then that car raises other  
3 questions?

4 A Right.

5 Q Namely, you have cost?

6 A Right.

7 Q Cost of repair, because the cost of repair goes  
8 back to that car?

9 A Right.

10 Q They have to give permission to do it, right?

11 A Right.

12 Q Was that also true when you first came to the yard  
13 under Penn Central?

14 A Yeah, I think that was true.

15 Q You had no more capability at Elkhart for fixing  
16 tank cars in the early seventies, when you first  
17 started, than you do now, do you?

18 A No.

19 Q What about cabooses? They still come in the yard,  
20 don't they, once in a while?

21 A The only one I know of is one, a local.

22 Q Okay.

23 A A local.

24 Q You've seen one in the yard?

25 A I've seen one, yeah, the local.

1 Q When was that? When was the last time you saw  
2 that?

3 A Say a couple of weeks ago, a month ago.

4 Q The car shop has the same responsibility for  
5 cleaning cabooses when they do come in now?

6 A No. I don't know if we clean cabooses or --

7 Q When was the last time you cleaned a caboose?

8 A I'd say twelve years ago, ten, twelve years ago.

9 Q '80 to '85?

10 A I don't think it would be '85, maybe '80.

11 Q You did it under Conrail, too, didn't you?

12 A I couldn't say for sure.

13 Q If it was in '80, it would have been under  
14 Conrail?

15 A If it was '80. I'm not sure about that time.

16 Q Could have been later?

17 A It's been a long time. Yeah, the cab tracks have  
18 been done away with and I can't tell you what  
19 year.

20 Q Who was the terminal superintendent when you first  
21 came to Elkhart?

22 A Don Lewis.

23 Q Where does he live?

24 A I think he's deceased, sir.

25 Q Who was terminal superintendent before him, do you



1 know?

2 A I don't know.

3 Q Let's talk about that for a minute. Anything  
4 before 1971, I take it you don't know anything  
5 about at Elkhart; is that right?

6 A No.

7 Q You don't know anything about any hazardous  
8 substances being used, being spilled or anything  
9 else at that yard, right?

10 A No.

11 Q Do you know Claude Britton?

12 A No.

13 Q Ted Berkshire?

14 A No.

15 Q Have you heard about any spills out there?

16 A Oh, I've heard rumors.

17 Q What are the rumors you heard?

18 A I can just tell you what I've heard.

19 Q That's right.

20 A Second, third, fourth, fifth hand information.

21 There were spills. There was a tank car that is  
22 buried. I've heard all kinds of rumors.

23 Q Have you ever seen a buried tank car?

24 A No.

25 MR. CUNNINGHAM: I think that's

1 all I have.

2 MR. ERMILIO: I have just a couple  
3 of questions.

4 CROSS EXAMINATION

5 BY MR. ERMILIO:

6 Q Mr. Lancaster, you were responsible for cleaning  
7 the journal boxes in the cars?

8 A Yeah, I have cleaned the journal box.

9 Q Did you clean them?

10 A Yeah.

11 Q When did you clean them?

12 A I believe back, the last one probably in early, in  
13 the seventies.

14 Q In the early seventies?

15 A In the early seventies.

16 Q Approximately?

17 A I'd say '73, probably, '74.

18 Q So after '73 or '74, you personally didn't clean  
19 any journal boxes?

20 A I don't remember cleaning any.

21 Q Did you see anybody else cleaning journal boxes  
22 after that time?

23 A Yeah, I have seen them.

24 Q Approximately when, if you know?

25 A I really don't know.

1 Q How about cleaning cabooses? Did you personally  
2 clean cabooses?

3 A Yeah, I have cleaned them, I've worked on them.

4 Q Did you use liquids to wash down the cabooses?

5 A Yeah. We used no cleaning solvents that I can  
6 remember.

7 Q You don't know when the last time a caboose was  
8 cleaned?

9 A Not really. I couldn't tell you the year; been  
10 quite a while.

11 MR. ERMILIO: I have no other  
12 questions.

13 MR. CUNNINGHAM: Nothing  
14 further.

15 MR. RUVOLO: None for me.

16 (Deposition concluded at 10:25 a.m.)

17 + + + oOo + + +

18

19

\_\_\_\_\_  
JAMES C. LANCASTER

20

21

SUBSCRIBED AND SWORN to before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
1993.

22

23

24

\_\_\_\_\_  
Notary Public, State of Indiana  
County of Residence:  
My Commission Expires:

25

## CERTIFICATE

I, DOROTHY L. HOADE, being a Notary Public in and for the County of St. Joseph and State of Indiana, duly authorized to administer oaths, do hereby certify there appeared before me at the said time and place JAMES C. LANCASTER, who was first duly sworn by me to testify the truth and nothing but the truth in response to questions propounded at the taking of the foregoing deposition.

I further certify that I then and there reported in machine shorthand the proceedings at said time and place; that the proceedings were then reduced to typewriting from my original shorthand notes; and that the foregoing typewritten transcript is a true and accurate record thereof.

I further certify that the deposition was read and signed by the deponent in the presence of a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this \_\_\_ day of \_\_\_\_\_ A.D., 1993.

DOROTHY L. HOADE  
Notary Public, State of Indiana  
Residence: St. Joseph County  
My commission expires 3-12-95